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14042 U.S. PTO

PTO/SB/05 (05-03)

Approved for use through 04/30/2003. OMB 0651-0032

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.	B04107280D1
First Inventor	Richard A. Gambale et al.
Title	IMBEDDED INTRAMUSCULAR IMPLANTS
Express Mail Label No.	EV340038339US

22478 U.S. PTO
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APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:Commissioner for Patents
Mail Stop Patent Application
P.O. Box 1450
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 29]
(preferred arrangement set forth below)
- Descriptive title of the Invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table,
or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 12]
5. Oath or Declaration [Total Sheets 2]
a. ☐ Newly executed (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. 3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☒ Other: check for \$1,398.00

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment,
or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)of prior application No: 09/ 211,332

Prior application information:

Examiner Thomas C. BarrettArt Unit: 3762

For **CONTINUATION** or **DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied
under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference.
The Incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label

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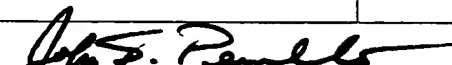
Name (Print/Type)

John F. Perullo

Registration No. (Attorney/Agent)

39,498

Signature



Date

January 29, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PATENT
ATTORNEY'S DOCKET NO.: B0410/7280D1

Express Mail mailing label number EV340038339US Date of Deposit:: January 29, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

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SIR:

TRANSMITTED HERewith FOR FILING IS A PATENT APPLICATION OF:

INVENTOR(S): RICHARD A. GAMBALE; MIKE WEISER; STEPHEN FORCUCCI AND
CHIRAG B. SHAH

FOR: IMBEDDED INTRAMUSCULAR IMPLANTS

ENCLOSED ARE:

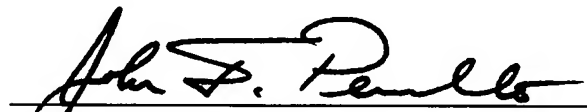
- [XX] UTILITY PATENT APPLICATION TRANSMITTAL
- [XX] APPLICATION DATA SHEET
- [XX] PRELIMINARY AMENDMENT
- [XX] A SPECIFICATION AND CLAIMS INCLUDING 29 PAGES
- [XX] COPY OF DECLARATION AND POWER OF ATTORNEY
(FROM PARENT APPLICATION 09/211,332)
- [XX] TWELVE (12) SHEETS OF INFORMAL DRAWINGS (FIGS.1-9C)
- [XX] INFORMATION DISCLOSURE STATEMENT AND PTO FORM 1449, IN DUPLICATE)

FOR	NUMBER FILED		CLAIMS AS FILED NUMBER EXTRA	RATE	BASIC FEE
TOTAL CLAIMS	31	-20	11	X \$18.00	\$770.00 \$198.00
INDEPENDENT CLAIMS	8	-3	5	X \$86.00	\$430.00
				TOTAL FILING FEE	\$1,398.00

[XX] A CHECK IN THE AMOUNT OF \$1,398.00 TO COVER THE FILING FEE IS ENCLOSED.

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DATE: JANUARY 29, 2004